Remarks

Claims 1-62 were pending. This office action has canceled claims 1-62. Applicants have added new claims 63-85.

Claims 1-62 are rejected.

While the Examiner has not examined the newly added claims, it may assist in reviewing some of the prior art references with regard to the newly added claims. The previous claims stood rejected over a combination of Schuster, US Patent No. 6,170,075 and DeLuca, US Patent No. 5,701,312.

Schuster discloses a gateway device that channel codes a data stream that has already been source coding, to separate the source coding from the channel coding. In Schuster, channel coding. As discussed at col. 10, line 59 through col. 11, line 15, the sending and receiving gateway decide whether to channel code the data or not. If the data is channel coded, one of three methods is used. None of these methods employ a replication factor that is determined by the transmitting device and is used to determine a redundancy index within the packets. The prior office action referred to lines 1-5 of claim 8 (col. 16, lines 10-14 of Schuster), but Applicants believe that the Examiner has confused a 'first coded data signal' (the channel coded data stream) with a replication factor.

DeLuca discloses a system in which redundant packets or data is transmitted based upon a determination of whether the system is in off-peak or peak periods of time. If the system is in an off-peak time and repeated requests are received for data, redundant packets are transmitted. DeLuca does not disclose a replication factor, or transmission of packets including a redundancy index.

Finally, with regard to the replication factor (which is the same as the redundancy factor), the prior office action cited Sidhu, because 'Sidhu teaches inputting a size of a jitter buffer and setting a redundancy...in accordance with the jitter buffer size...' However, in Sidhu, the size of the jitter buffer is merely mentioned as a factor that may or may not handle the various "transporting characteristics." It is not actually used in determining a replication factor.

New claims 63 and 78 require *transmitting, from the first device, redundant voice data by replicating the original voice data including a redundancy index, wherein the redundancy index is based upon the replication factor.* The prior art does not show, teach or suggest this, as discussed above.

New claims 71 and 84 require a processor to, or a means for, *transmit*[ting] *redundant voice data by replicating the original voice data, wherein the redundant voice data has a redundancy index based upon the replication factor.* The prior art previously made of record does not show teach or suggest this, as discussed above.

The specification supports these claims in several places, among them page 6, paragraphs beginning on lines 4, 10 and 20, and page 10, line 1, through page 11, line 5.

No new matter has been added by this amendment. Allowance of all pending claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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